

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

VICTOR ALEXANDER RODRIGUEZ
DEL GIUDICE,

Defendants.

4:21CR3036

ORDER

The parties jointly moved to continue Defendant Del Giudice's trial pending further plea discussions. (Filing No. 227). A conference call was held with counsel on December 28, 2022, (Filing Nos. 167 & 168), and then again yesterday (Filing No. 238) to discuss whether a plea hearing or trial should be set, and if a trial, the estimated length of trial. Counsel stated that plea discussions are ongoing. Since the case cannot currently be set for a plea hearing, it will be set for trial.

IT IS ORDERED:

- 1) The parties' motion, (Filing No. 227), is granted. The trial of this case before the Honorable Robert F. Rossiter, Jr., Chief United States District Judge in Courtroom 4, United States Courthouse, Omaha, Nebraska, is continued and will commence at 9:00 a.m. on February 28, 2023, or as soon thereafter as the case may be called, for a duration of five (5) trial days. Jury selection will be held at commencement of trial.
- 2) The time between December 28, 2022 and February 28, 2023, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act because the case remains unusual and complex, and parties require additional time to adequately prepare the case for trial, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the

fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7). Failing to timely object to this order as provided under the court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 12th day of January, 2023.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge